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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/428,284	10/27/1999	ANDREW D. HOLMES	3894	4449

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EXAMINER

HARBECK, TIMOTHY M

ART UNIT	PAPER NUMBER
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3628

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/428,284

Applicant(s)

HOLMES ET AL.

Examiner

Timothy M. Harbeck

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/12/2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20,22,24-33,35-50,52-54 and 56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20,22,24-33,35-50,52-54 and 56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 October 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-20, 22, 24-33, 35-50, 52-54 and 56 are rejected under 35 U.S.C. 102(e) as being unpatentable by NEMZOW (US 2001/0011241).

NEMZOW discloses a computer-implemented system for managing financial transactions, a method for applying an exchange rate to convert a transaction from a first currency to a second currency, comprising:

receiving, by a computer system, a financial transaction, including a date and a transaction amount in the first currency (100).,

accessing, by the computer system, an electronically stored plurality of historical exchange rates for the first currency with respect to the second currency, each exchange rate corresponding to a time period (110; paragraph (0050)),

if the date of the received financial transaction corresponding to a time period of one of the historical exchange rates (paragraph (0051)); automatically selecting, by the computer system, the historical exchange rate (paragraph (0052));

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if the date of the received financial transaction not corresponding (0051) to a time period of one of the historical exchange rates, automatically selecting, by the computer system, a historical exchange rate having the most recent time period among available historical exchange rates having time periods prior to the date of the received financial transaction (steps 100-150 of fig.2;);

automatically applying, by the computer system, the selected historical exchange rate to the received financial transaction, to derive a converted transaction amount in the second currency; and

performing at least one of the steps of storing the converted transaction amount in a storage medium; and

outputting the converted transaction amount (paragraph (0049-0061));

Response to Arguments

Applicant's arguments filed October 12, 2004 have been fully considered but they are not persuasive. Applicant's main argument focuses on the language of Claim 1, specifically the portion that reads:

If the date of the received financial transaction corresponds to a time period of one of the historical exchange rates, automatically selecting, by the computer system the historical exchange rate;

If the date of the received financial transaction does not correspond to a time period of one of the historical exchange rates, automatically selecting by the computer system, a historical exchange rate having a most recent time period among available historical exchange rates having time periods prior to the date of the received financial transactions.

Applicant argues that the Nemzow reference fails to teach the steps of applicants claimed invention and that there is not hint or suggestion anywhere in Nemzow of any technique for handling the above two conditions addressed by the method of claim 1. Both the current rejection and previous actions have pointed the applicant to paragraph

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[0051] of Nemzow with regards to the outlined portion of claim 1. Paragraph [0051] reads in part "the conversion rules are customized in response to the user inputs and the transaction rules. This step includes matching the user inputs against user specified conversion rules, a table of currency conversion rates, or a database with currency conversion rates." While it is true that the Nemzow does not specifically point toward every possible user defined conversion and transaction rule that could apply to his invention, the applicants claims easily fall within the broad language of user specified conversion and transaction rules. The fact that the applicant uses "if" statements in the body of the claims, points to the fact that these are conditional statements, or in other words, are associated with certain rules and parameters. A user of the Nemzow method could achieve the same result as a user of applicant's invention simply by entering, into the computer system, the above rules. Then any transaction that falls within the parameters of the rule would have the intended action performed upon it. Any and all of the applicants arguments involving the above passage can thus be directed toward paragraph [0051], and traversed based upon the teachings within.

The applicant has also rejected to the use of the "FASB-52" reference as a grounds for rejection. While the examiner referred to the FASB-52 reference in the office action, it was contained within the "Response to Arguments" section of the action and not the claim rejections. The examiner was simply offering additional support that could potentially be used in a rejection, but the fact remains that the Nemzow reference is strong enough to stand on its on merits and is therefore still a valid 102(e) reference.

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The examiner has removed any mention of FASB-52 to avoid any future confusion but maintains the right to apply the reference in the future should it be needed.

Applicant's only additional argument is that claims 10, 15, 19, 22, 24, 26, 29, 32, 44, 49, 53, and 56 recite similar language to the language of claim 1 quoted above, and that the remaining claims depend from these independent claims and therefore incorporates the same limitations. The examiner's position is that, the conversion rules associated with the Nemzow reference that were used to reject the quoted portion of claims 1 above are applied to any claim that recites similar language. Therefore all the pending claims have been rejected.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

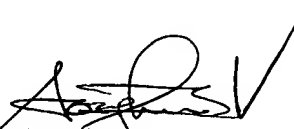
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Harbeck whose telephone number is 571-272-8123. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 571-272-6799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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